

Land Division Variance Information & Submittal Requirements



Planning Department
231 NE Fifth Street ◦ McMinnville, OR 97128
(503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Overview

Where difficulties exist rendering compliance with the standards of Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance impractical, and such compliance would create an extraordinary hardship to the owner or user of land or buildings, the Planning Commission may grant a variance from the provisions of this chapter, provided that substantially the following circumstances exist:

- A. That there are special conditions affecting the property that are not common to all property in the area;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting this property;
- C. That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare, or injurious to other property in the vicinity;
- D. The variance requested is the minimum variance which would alleviate the hardship.

The burden for demonstrating that these circumstances exist is upon the applicant. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood and otherwise achieve the purpose of Chapter 17.53 (Land Division Standards) of the Zoning Ordinance.

Submittal Requirements

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Land Division Variance application form. Please provide as thorough an explanation as possible, keeping in mind the review criteria that must be satisfied in order for the Planning Commission to grant your variance request. If additional explanation or materials would assist or support the request, include them with the application form.
- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and other information that would help substantiate or clarify your request.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee.

Review Process

An application for a land division variance is subject to a public hearing before the McMinnville Planning Commission. In advance of such hearing, public notice is provided to property owners within 100 feet of the site advising them of the proposed request and inviting their participation in the upcoming hearing. The procedure for providing notification of the request and the public hearing process itself is outlined in Sections 17.72.120 (Applications – Public Hearings) through 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

The decision made by the Planning Commission may be appealed to the City Council as outlined in Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance.



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Office Use Only:
File No. _____
Date Received _____
Fee _____
Receipt No. _____
Received by _____

Land Division Variance Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name _____ Phone _____

Contact Name _____ Phone _____

(If different than above)

Address _____

City, State, Zip _____

Contact Email _____

Property Owner Information

Property Owner Name _____ Phone _____

(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address _____

Assessor Map No. R4 - - Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation _____

1. For which section of Chapter 17.53 (Land Division Standards) is this variance being requested? State in detail how this requirement would be varied_____

2. What special conditions apply to the property which are not common to other properties in the same area?_____

3. What property right would be preserved by granting the variance?_____

4. What extraordinary hardship would be avoided by granting the variance?_____

5. Why would this request not be detrimental to the surrounding area or conflict with city plans or policies?_____

6. Is the variance request the minimum variance which would alleviate the hardship? Explain. _____

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and other information that would help substantiate or clarify your request.*
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date

Property Owner's Signature

Date